

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BROADCAST MUSIC, INC.; AMAZEMENT)
MUSIC; KASHIF MUSIC; SONGS OF)
UNIVERSAL, INC.; GIBB BROTHERS MUSIC;)
CROMPTON SONGS; SONY/ATV SONGS LLC;)
THE BERNARD EDWARDS COMPANY LLC;)
SEASONS FOUR MUSIC; SCREEN GEMS-EMI)
MUSIC, INC.; SONY/ATV SONGS LLC d/b/a)
SONY/ATV MELODY d/b/a ROARING FORK)
MUSIC; THOMAS BROWNE PUBLISHING, INC.,)

Plaintiffs,)

v.)

CIVIL ACTION NO.)

HOTEL RESTAURANT ASSOCIATES LLC d/b/a)
HOLIDAY INN PHILADELPHIA STADIUM a/k/a)
STADIUM SPORTS BAR & RESTAURANT and)
WILLIAM F. GREEN and HOWARD KAUFMAN,)
each individually,)

Defendants.)

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI") is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade

Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Amazement Music is a sole proprietorship owned by Frankie Beverly. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Kashif Music is a sole proprietorship owned by Michael Jones. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Songs of Universal, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Gibb Brothers Music is made up of the estate of Maurice Ernest Gibb and the estate of Robin Gibb. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Crompton Songs is a sole proprietorship owned by Barry Alan Gibb. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff The Bernard Edwards Company LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Seasons Four Music is a partnership owned by Robert Gaudio and Frankie Valli. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Screen Gems-EMI Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Sony/ATV Songs LLC d/b/a Sony/ATV Melody is a limited liability company also doing business as Roaring Fork Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Thomas Browne Publishing, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Defendant Hotel Restaurant Associates LLC is a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania, which operates, maintains and controls an establishment known as Holiday Inn Philadelphia Stadium also known as Stadium Sports Bar & Restaurant, located at 900 Packer Avenue, Philadelphia, Pennsylvania 19148, in this district (the "Establishment").

17. In connection with the operation of the Establishment, Defendant Hotel Restaurant Associates LLC publicly performs musical compositions and/or causes musical compositions to be publicly performed.

18. Defendant Hotel Restaurant Associates LLC has a direct financial interest in the Establishment.

19. Defendant William F. Green is a manager of Defendant Hotel Restaurant Associates LLC with responsibility for the operation and management of that limited liability company and the Establishment.

20. Defendant William F. Green has the right and ability to supervise the activities of Defendant Hotel Restaurant Associates LLC and a direct financial interest in that limited liability company and the Establishment.

21. Defendant Howard Kaufman is a member of Defendant Hotel Restaurant Associates LLC with responsibility for the operation and management of that limited liability company and the Establishment.

22. Defendant Howard Kaufman has the right and ability to supervise the activities of Defendant Hotel Restaurant Associates LLC and a direct financial interest in that limited liability company and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

23. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 22.

24. Plaintiffs allege six (six) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

25. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the six (6) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright

registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the establishment where the infringement occurred.

26. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

27. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

28. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

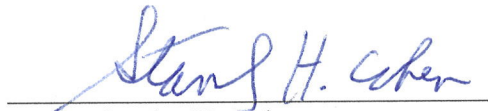
29. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

30. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

- (1) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;
- (2) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);
- (3) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and
- (4) Plaintiffs have such other and further relief as is just and equitable.

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Before I Let Go
Line 3	Writer(s)	Frankie Beverly
Line 4	Publisher Plaintiff(s)	Frankie Beverly, an individual d/b/a Amazement Music
Line 5	Date(s) of Registration	6/19/81
Line 6	Registration No(s).	PA 106-672
Line 7	Date(s) of Infringement	12/9/14
Line 8	Place of Infringement	Holiday Inn Philadelphia Stadium

Line 1	Claim No.	2
Line 2	Musical Composition	Love Come Down
Line 3	Writer(s)	Michael Jones a/k/a Kashif
Line 4	Publisher Plaintiff(s)	Michael Jones, an individual d/b/a Kashif Music; Songs of Universal, Inc.
Line 5	Date(s) of Registration	3/3/83 3/1/83
Line 6	Registration No(s).	PA 168-032 PA 166-462
Line 7	Date(s) of Infringement	12/9/14
Line 8	Place of Infringement	Holiday Inn Philadelphia Stadium

Line 1	Claim No.	3
Line 2	Musical Composition	More Than A Woman
Line 3	Writer(s)	Barry Gibb; Maurice Gibb; Robin Gibb
Line 4	Publisher Plaintiff(s)	Estate of Maurice Ernest Gibb and the Estate of Robin Gibb d/b/a Gibb Brothers Music; Barry Alan Gibb, an individual d/b/a Crompton Songs
Line 5	Date(s) of Registration	3/7/77 12/2/77 3/19/84 3/19/84
Line 6	Registration No(s).	Eu 761685 Ep 377416 PAu 618-255 PA 209-607
Line 7	Date(s) of Infringement	12/9/14
Line 8	Place of Infringement	Holiday Inn Philadelphia Stadium

Line 1	Claim No.	4
Line 2	Musical Composition	Upside Down
Line 3	Writer(s)	Bernard Edwards; Nile Rodgers
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; The Bernard Edwards Company LLC
Line 5	Date(s) of Registration	8/4/80
Line 6	Registration No(s).	PA 75-961
Line 7	Date(s) of Infringement	12/9/14
Line 8	Place of Infringement	Holiday Inn Philadelphia Stadium

Line 1	Claim No.	5
Line 2	Musical Composition	Workin' My Way Back To You
Line 3	Writer(s)	Denny Randell; Sandy Linzer
Line 4	Publisher Plaintiff(s)	Robert Gaudio and Frankie Valli, a partnership d/b/a Seasons Four Music; Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	3/24/66 3/24/66
Line 6	Registration No(s).	Ep 214106 Eu 913110
Line 7	Date(s) of Infringement	12/9/14
Line 8	Place of Infringement	Holiday Inn Philadelphia Stadium

Line 1	Claim No.	6
Line 2	Musical Composition	Funkin' Fo' Jamaica (N.Y.)
Line 3	Writer(s)	Thomas Frederick Browne
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Melody d/b/a Roaring Fork Music; Thomas Browne Publishing, Inc.
Line 5	Date(s) of Registration	3/14/80 5/15/81
Line 6	Registration No(s).	PAu 181-710 PA 103-725
Line 7	Date(s) of Infringement	12/9/14
Line 8	Place of Infringement	Holiday Inn Philadelphia Stadium
